

COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

DOCKET



Docket Number: CP-51-CR-0002080-2012

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Nestor Aviles

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CASE INFORMATION

Cross Court Docket Nos: 2608 EDA 2012

Judge Assigned: Berry, Willis W. Jr.

Date Filed: 02/16/2012

Initiation Date: 02/16/2012

OTN: N 770363-6

LOTN:

Originating Docket No: MC-51-CR-0044685-2011

Initial Issuing Authority: Harvey W. Robbins

Final Issuing Authority: Harvey W. Robbins

Arresting Agency: Philadelphia Pd

Arresting Officer: Watson, Duane A.

Complaint/Incident #:

Case Local Number Type(s)

Case Local Number(s)

District Control Number

1125090981

RELATED CASES

| <u>Related Docket No</u> | <u>Related Case Caption</u> | <u>Related Court</u> | <u>Association Reason</u> |
|---------------------------------|-----------------------------|----------------------|------------------------------|
| Joined Codefendant Cases | | | |
| CP-51-CR-0000980-2012 | Comm. v. Baez, Miguel | CP-01-51-Crim | Same District Control Number |

STATUS INFORMATION

| <u>Case Status:</u> | <u>Status Date</u> | <u>Processing Status</u> | <u>Arrest Date:</u> |
|---------------------|--------------------|--|---------------------|
| Closed | 10/07/2013 | Completed | 10/19/2011 |
| | 01/07/2013 | Awaiting Trial | |
| | 12/04/2012 | Appeal Decided | |
| | 11/26/2012 | Awaiting Appellate Court Decision | |
| | 11/21/2012 | Interlocutory Appeal Decision | |
| | 09/13/2012 | Awaiting Trial | |
| | 09/13/2012 | Awaiting Interlocutory Appeal Decision | |
| | 05/03/2012 | Awaiting Trial | |
| | 03/22/2012 | Awaiting Pre-Trial Conference | |
| | 03/01/2012 | Awaiting Formal Arraignment | |
| | 02/16/2012 | Awaiting Filing of Information | |

Complaint Date: 10/20/2011

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CALENDAR EVENTS

| <u>Case Calendar</u> | <u>Schedule</u> | <u>Start</u> | <u>Room</u> | <u>Judge Name</u> | <u>Schedule</u> |
|-----------------------|-------------------|--------------|-------------|-------------------------------------|-----------------|
| <u>Event Type</u> | <u>Start Date</u> | <u>Time</u> | | | <u>Status</u> |
| Formal Arraignment | 03/07/2012 | 11:00 am | 1104 | Trial Commissioner Edward F. Keyser | Scheduled |
| Status Listing | 03/22/2012 | 9:00 am | 1005 | Judge Ellen Ceisler | Scheduled |
| Pre-Trial Conference | 04/18/2012 | 9:00 am | 605 | Judge Linda Carpenter | Scheduled |
| Scheduling Conference | 05/03/2012 | 9:00 am | 601 | Judge Willis W. Berry Jr. | Scheduled |
| Trial | 07/30/2012 | 9:00 am | 601 | Judge Willis W. Berry Jr. | Continued |
| Motions Hearing | 08/17/2012 | 9:00 am | 601 | Judge Willis W. Berry Jr. | Scheduled |
| Trial | 08/20/2012 | 9:00 am | 601 | Judge Willis W. Berry Jr. | Continued |
| Trial | 10/05/2012 | 9:00 am | 601 | Judge William J. Mazzola | Continued |
| Trial | 04/08/2013 | 9:00 am | 601 | Judge Kenneth J. Powell Jr. | Continued |
| Trial | 04/08/2013 | 9:00 am | 601 | Judge William J. Mazzola | Moved |
| Trial | 06/11/2013 | 9:00 am | 601 | Judge Kenneth J. Powell Jr. | Moved |
| Trial | 10/07/2013 | 9:00 am | 601 | Judge Kenneth J. Powell Jr. | Scheduled |

DEFENDANT INFORMATION

Date Of Birth: 07/25/1984 City/State/Zip: Philadelphia, PA 19133

Alias Name

Aviles, Neator
Aviles, Nester

CASE PARTICIPANTS

| <u>Participant Type</u> | <u>Name</u> |
|-------------------------|----------------|
| Defendant | Aviles, Nestor |

BAIL INFORMATION

| Aviles, Nestor | | | | | | Nebbia Status: None |
|-----------------------|-------------|------------------|-------------------|---------------|----------------------------|----------------------------|
| <u>Bail Action</u> | <u>Date</u> | <u>Bail Type</u> | <u>Percentage</u> | <u>Amount</u> | <u>Bail Posting Status</u> | <u>Posting Date</u> |
| Set | 10/20/2011 | Monetary | 10.00% | \$7,500.00 | Posted | 10/20/2011 |

CHARGES

| <u>Seq.</u> | <u>Orig Seq.</u> | <u>Grade</u> | <u>Statute</u> | <u>Statute Description</u> | <u>Offense Dt.</u> | <u>OTN</u> |
|-------------|------------------|--------------|---------------------------|--|--------------------|------------|
| 1 | 1 | F | 35 § 780-113 §§A30 | Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver | 10/19/2011 | N 770363-6 |
| 2 | 4 | F | 18 § 903 §§C | Conspiracy | 10/19/2011 | N 770363-6 |

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CHARGES

| Seq. | Orig Seq. | Grade | Statute | Statute Description | Offense Dt. | OTN |
|-------|-----------|-------|--------------------|---|-------------|------------|
| 3 | 3 | M | 35 § 780-113 §§A16 | Int Poss Contr Subst By Per Not Reg | 10/19/2011 | N 770363-6 |
| 99999 | 2 | F | 18 § 903 | Conspiracy - Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver | 10/19/2011 | N 770363-6 |

DISPOSITION SENTENCING/PENALTIES

Disposition

| <u>Case Event</u> | <u>Disposition Date</u> | <u>Final Disposition</u> | |
|--|--|-------------------------------|---------------------|
| <u>Sequence/Description</u> | <u>Offense Disposition</u> | <u>Grade</u> | <u>Section</u> |
| <u>Sentencing Judge</u> | <u>Sentence Date</u> | <u>Credit For Time Served</u> | |
| <u>Sentence/Diversion Program Type</u> | <u>Incarceration/Diversionary Period</u> | <u>Start Date</u> | |
| <u>Sentence Conditions</u> | | | |
| Lower Court Proceeding (generic) | | | |
| Preliminary Hearing | 02/15/2012 | Not Final | |
| 1 / Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver | Held for Court | F | 35 § 780-113 §§ A30 |
| 3 / Int Poss Contr Subst By Per Not Reg | Held for Court | M | 35 § 780-113 §§ A16 |
| 99,999 / Conspiracy - Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver | Held for Court | F | 18 § 903 |
| Proceed to Court | | | |
| Information Filed | 03/01/2012 | Not Final | |
| 1 / Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver | Held for Court | F | 35 § 780-113 §§ A30 |
| 2 / Conspiracy | Replacement by Information | F | 18 § 903 §§ C |
| 3 / Int Poss Contr Subst By Per Not Reg | Held for Court | M | 35 § 780-113 §§ A16 |
| 99,999 / Conspiracy - Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver Replaced by 18 § 903 §§ C, Conspiracy | Charge Changed | F | 18 § 903 |
| Dismissed - Abatement | | | |
| Trial | 10/07/2013 | Final Disposition | |
| 1 / Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver | Dismissed - Abatement | F | 35 § 780-113 §§ A30 |
| 2 / Conspiracy | Dismissed - Abatement | F | 18 § 903 §§ C |
| 3 / Int Poss Contr Subst By Per Not Reg | Dismissed - Abatement | M | 35 § 780-113 §§ A16 |
| 99,999 / Conspiracy - Manufacture, Delivery, or Possession With Intent to Manufacture or Deliver Replaced by 18 § 903 §§ C, Conspiracy | Charge Changed | F | 18 § 903 |

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COMMONWEALTH INFORMATION

Name: Philadelphia County District Attorney's
Office
Prosecutor

Supreme Court No:

Phone Number(s):
215-686-8000 (Phone)

Address:

3 South Penn Square
Philadelphia, PA 19107

ATTORNEY INFORMATION

Name: Joseph C. Santaguida
Private

Supreme Court No: 014549

Rep. Status: Active

Phone Number(s):
215-893-0900 (Phone)

Address:

2nd Floor
121 S Broad Street
Philadelphia, PA 19107

Representing: Aviles, Nestor

ENTRIES

| <u>Sequence Number</u> | <u>CP Filed Date</u> | <u>Document Date</u> | <u>Filed By</u> |
|--|----------------------|----------------------|--|
| 1 | 02/16/2012 | | Court of Common Pleas - Philadelphia County |
| Held for Court | | | |
| 3 | 02/16/2012 | | Amabile, Jennifer |
| Transferred from Municipal Court | | | |
| 1 | 03/01/2012 | | Commonwealth of Pennsylvania |
| Information Filed | | | |
| 3 | 03/22/2012 | | Court of Common Pleas - Philadelphia County |
| Hearing Notice | | | |
| 5 | 03/22/2012 | | Commonwealth of Pennsylvania |
| Motion for Continuance | | | |
| ADA: Def. Atty: Joseph Santaguidan Court Clerk: Kathryn Morris | | | |
| Court not sitting. Discovery passed. No 49. Listed for pre-trial conference. NCD: 4/18/2012 room 605 | | | |
| 1 | 04/18/2012 | | Court of Common Pleas - Philadelphia County |
| Hearing Notice | | | |
| 4 | 04/18/2012 | | Court of Common Pleas - Philadelphia County |
| Hearing Notice | | | |

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|--|----------------------|---|--|
| 5 | 04/18/2012 | | Carpenter, Linda |
| Pre-Trial Conference Held | | | |
| Offer rejected. Defendant colloquied. List for scheduling conference 5/3/12 room 601. | | | |
| ADA: Robert Daisey | | Atty: Joseph Santaguida | |
| DRT: Dorothy Sidberry | | Court Clerk: Katrina Young for Linda Camp | |
| 1 | 05/03/2012 | | Berry, Willis W. Jr. |
| Counsel Attached for Trial Court Order Atty.Joseph Santaguida attached for 1day in Rm.601 on 7/30/12 | | | |
| 2 | 05/03/2012 | | Court of Common Pleas - Philadelphia County |
| Hearing Notice | | | |
| 4 | 05/03/2012 | | Court of Common Pleas - Philadelphia County |
| Hearing Notice | | | |
| 5 | 05/03/2012 | | Berry, Willis W. Jr. |
| Scheduling Conference Held | | | |
| Defense Request - Waiver Trial. Commonwealth ready. Defense counsel attached for Trial. List for Motion and Waiver Trial - 7/30/12 - Room 601. Time ruled excludable. | | | |
| ADA/ED Jaramillo/Kate Brown | | PD/Joseph Santaguida | |
| Steno/Nereida Luciano | | Court Clerk/Mercedes Napoleon | |
| 1 | 07/30/2012 | | Berry, Willis W. Jr. |
| Order Granting Motion for Continuance Defense's Motion to Suppress Granted NCD: 8/20/12 Rm. 601 for Commonwealth Appeal | | | |
| ADA: Emily Rodriguez DAtty: Joseph Santaguida Steno: Julie Davis Clerk: Jaleesa Brown | | | |

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|---|----------------------|----------------------|--|
| 3 | 07/30/2012 | | Court of Common Pleas - Philadelphia County |
| Hearing Notice | | | |
| D1/1 | 08/08/2012 | | Philadelphia County District Attorney's Office |
| Motion to Reconsider Motion to Suppress. | | | |
| 3 | 08/08/2012 | | Court of Common Pleas - Philadelphia County |
| Hearing Notice | | | |
| 1 | 08/17/2012 | | Berry, Willis W. Jr. |
| Order Granting Motion for Continuance | | | |
| Defense Request - J. Santaguida unavailable today | | | |
| Cont'd 8/20/12 w/co-defendant for status of Commonwealth Appeal | | | |
| ADA: E. Rodriguez; PD: J. Krantz/J. Santaguida; Steno: J. Davis; Clerk: J. Misunas | | | |
| D2/1 | 08/20/2012 | | Berry, Willis W. Jr. |
| Motion for Reconsideration | | | |
| Motion to Suppress Evidence was granted on 7/30/12 | | | |
| Commonwealth's Motion to Reconsider is Denied | | | |
| Cont'd for status of Appeal on 10/5/12 w/co-defendant | | | |
| ADA: E. Rodriguez; Def co: J. Santaguida/PD J. Krantz; Steno: J. Davis; Clerk: J. Misunas | | | |
| 3 | 08/20/2012 | | Court of Common Pleas - Philadelphia County |
| Hearing Notice | | | |
| D4/1 | 09/13/2012 | | Philadelphia County District Attorney's Office |
| Statement of Matters Complained on Appeal | | | |
| D3/2 | 09/13/2012 | | Philadelphia County District Attorney's Office |
| Interlocutory Appeal to the Superior Court | | | |
| Order J. Berry | | | |
| file located | | | |

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|---|----------------------|----------------------|--|
| <u>Service To</u> | <u>Service By</u> | | |
| <u>Issue Date</u> | <u>Service Type</u> | <u>Status Date</u> | <u>Service Status</u> |
| Philadelphia County District Attorney's Office | | | |
| 09/13/2012 | First Class | | |
| Santaguida, Joseph C. | | | |
| 09/13/2012 | First Class | | |
| ----- | | | |
| D3A/3 | 09/13/2012 | | Philadelphia County District Attorney's Office |
| Motion for Transcripts | | | |
| 7/30/12; 8/17/12; 8/20/12 (TRIAL) | | | |
| Berry, Willis W. Jr. | | | |
| 09/13/2012 | First Class | | |
| Santaguida, Joseph C. | | | |
| 09/13/2012 | First Class | | |
| ----- | | | |
| 2 | 10/05/2012 | | Court of Common Pleas - Philadelphia County |
| Hearing Notice | | | |
| ----- | | | |
| 3 | 10/05/2012 | | Mazzola, William J. |
| Order Granting Motion for Continuance | | | |
| Case continued for status of Commonwealth Appeal | | | |
| NCD: 4/8/13 Room 601 | | | |
| ADA: E. Jaramillo ATTY: J. Santaguida STENO: L. Postiglione CLERK: K. Dandy | | | |
| ----- | | | |
| 1 | 11/07/2012 | | Court of Common Pleas - Philadelphia County |
| Preliminary Docket Entries Prepared | | | |
| ----- | | | |
| 2 | 11/07/2012 | | Court of Common Pleas - Philadelphia County |
| Transcript of Proceedings Filed | | | |
| 7-30-12, 8-20-12 (MOT. VOL. 1) | | | |
| ----- | | | |
| 1 | 11/20/2012 | | Woods-Skipper, Sheila |
| Order Issued Pursant to Pa.R.A.P. 1925(b) | | | |

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|---|----------------------|----------------------|---|
| 1 | 11/21/2012 | | Superior Court of Pennsylvania - Eastern District |
| Interlocutory Disposition from Superior Court | | | |
| 2 | 01/07/2013 | | Court of Common Pleas - Philadelphia County |
| Hearing Notice | | | |
| 1 | 04/08/2013 | | Powell, Kenneth J. Jr. |
| Order Granting Motion for Continuance | | | |
| Status of abatement | | | |
| ncd: 10/7/13 room 601 | | | |
| ADA: Jaramillo, atty: Santaguida, Steno: Kaplan, Clerk: McCoach, Judge: Powell | | | |
| 3 | 04/08/2013 | | Court of Common Pleas - Philadelphia County |
| Hearing Notice | | | |
| 5 | 04/08/2013 | | Court of Common Pleas - Philadelphia County |
| Hearing Notice | | | |
| 1 | 10/07/2013 | | Powell, Kenneth J. Jr. |
| Dismissed - Abatement | | | |
| ADA: Jaramillo, atty: Santaguida, Steno: Hemingway, Clerk: McCoach, Judge: Powell | | | |
| 2 | 10/07/2013 | | Evers, Joseph H. |
| DL-21D to be Prepared | | | |

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CASE FINANCIAL INFORMATION

Last Payment Date:

Total of Last Payment:

| Aviles, Nestor Defendant | <u>Assessment</u> | <u>Payments</u> | <u>Adjustments</u> | <u>Non Monetary Payments</u> | <u>Total</u> |
|-----------------------------|-------------------|-----------------|--------------------|----------------------------------|--------------|
| Costs/Fees | | | | | |
| Bail Bond (Philadelphia) | \$10.00 | \$0.00 | -\$10.00 | \$0.00 | \$0.00 |
| Costs/Fees Totals: | \$10.00 | \$0.00 | -\$10.00 | \$0.00 | \$0.00 |
| Grand Totals: | \$10.00 | \$0.00 | -\$10.00 | \$0.00 | \$0.00 |

** - Indicates assessment is subrogated